

## Message Text

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ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /026 R

DRAFTED BY USOAS:FMCNEIL:JD

APPROVED BY ARA - MR. ROGERS

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L/ARA:DGANTZ

NSC:SLOW

S/S :FORTIZ

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FM SECSTATE WASHDC

TO AMEMBASSY BOGOTA NIACT IMMEDIATE

INFO AMEMBASSY CARACAS IMMEDIATE

C O N F I D E N T I A L STATE 158657

EXDIS

E.O. 11652: GDS

TAGS: PFOR, OAS

SUBJECT: SAN JOSE CONFERENCE

REFS: A) STATE 151803 B) BOGOTA 5999 C) STATE 139920

D) STATE 133032 E) BOGOTA 6140

FOR AMBASSADOR VAKY FROM ASST SECY ROGERS

1. BEFORE YOUR DEPARTURE FOR CONSULTATIONS, PLEASE SEE LIEVANO PRIVATELY TO SEEK HIS LATEST VIEWS ON SAN JOSE CONFERENCE. AS HE KNOWS, U.S. WOULD SUPPORT QTE FREEDOM OF ACTION UNQTE AT SAN JOSE, ONCE A PROTOCOL OF AMENDMENT TO THE RIO TREATY HAS BEEN APPROVED. WE UNDERSTAND FROM RABASA THAT HE WILL BE CONTENT WITH QTE FREEDOM OF ACTION UNQTE FORMULA AND HAVE HEARD THAT RABASA WILL BE TALKING TO FACIO ON PRIVATE UNANNOUNCED STOP IN SAN JOSE. SINCE MATTERS MAY BEGIN TO MOVE  
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FAST, WE THINK IT WELL FOR YOU TO SEE LIEVANO AGAIN.

(FYI - RABASA HAS BEEN REASONABLE,  
BUT ONE NEVER KNOWS, AND LIEVANO'S INVOLVEMENT IN  
ANY DRAFTING EXERCISE ADDS A VOICE REASON.)

-- ANY ACTION ON SANCTIONS SHOULD BE CONTINGENT UPON A SUCCESSFUL RIO TREATY CONFERENCE, WHICH WE EXPECT BECAUSE THERE IS NOW A GOOD MEASURE OF CONSENSUS ON THE SHAPE OF THE TREATY REFORMS, INCLUDING THE CHANGE IN THE VOTING REQUIREMENT FROM LIFTING SANCTIONS FROM TWO-THIRDS TO A MAJORITY. NONETHELESS, IT SHOULD BE KEPT IN MIND THAT WITHOUT A REFORMED PROTOCOL IT WOULD BE DIFFICULT TO FIND A PHILOSOPHICAL BASIS FOR A COMPROMISE APPROACH TO THE SANCTIONS ISSUE.

-- ANY ACTION MUST BE JURIDICALLY CORRECT, THAT IS, CARRIED OUT IN ACCORDANCE WITH THE TWO-THIRDS REQUIREMENT OF THE TREATY IN FORCE, SINCE THE PROTOCOL OF AMENDMENT CHANGING THE VOTING PROCEDURES COULD NOT COME INTO EFFECT UNTIL AFTER THE RATIFICATION PROCESS IS COMPLETE. WE NOTE AN INCONSISTENCY BETWEEN WHAT WE THOUGHT WAS LIEVANO'S VIEW--THAT THE TWO-THIRDS RULE MUST STILL APPLY -- AND THE COLOMBIAN NOTE VERBAL (SENT BOGOTA 6140) WHICH SUGGESTS THAT A QTE RESOLUTION APPROVED BY STATUTE WITH A MAJORITY VOTE UNQTE WOULD SUFFICE.

-- IF WHAT THE COLOMBIAN NOTE VERBAL HAS IN MIND IS A QTE TWO-STEP UNQTE FORMULA, AS ORIGINALLY ENVISAGED BY LIEVANO, WE OF COURSE BELIEVE THAT LEGAL. BUT WHEN WE LAST TALKED TO LIEVANO IN WASHINGTON, OUR SHARED ASSESSMENT WAS THAT SOME OTHER COUNTRIES (E.G. BRAZIL) MIGHT QUESTION IT ON JURIDICAL GROUNDS. CONSEQUENTLY, IT WOULD BE BETTER TO PROCEED WITH A STRAIGHT TWO-THIRDS VOTE IN THE ORGAN OF CONSULTATION ON A QTE FREEDOM OF ACTION UNQTE FORMULA THAT WOULD COMMAND SIGNIFICANT GENERAL ACCEPTANCE AND AT THE SAME TIME BE UNQUESTIONABLY ACCEPTABLE FROM A JURIDICAL POINT OF VIEW. WE WOULD APPRECIATE CLARIFICATION FROM LIEVANO.

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-- SUBSTANTIVELY, ANY RESOLUTION, IN ITS OPERATIVE PARAGRAPH, SHOULD PROVIDE FOR FREEDOM OF ACTION WHETHER IT STATES QTE ALL GOVERNMENTS ARE TO BE LEFT AT LIBERTY UNQTE PER THE COLOMBIAN NOTE VERBAL OR, AS ARGENTINA'S VIGNES SUGGESTED PRIVATELY PRIOR TO THE GENERAL ASSEMBLY, THAT THE QUESTION OF EXISTING MEASURES UNDER ARTICLE 8 OF THE RIO TREATY BE QTE A MATTER OF BILATERAL CONCERN UNQTE. THE WORDING IS NOT IMPORTANT, BUT THE CONCEPT THAT THE MEMBER STATES SHOULD BE AT LIBERTY TO RENEW OR NOT TO RENEW RELATIONS SEEMS ESSENTIAL.

-- ANY RESOLUTION WOULD REQUIRE A STRONG EMPHASIS ON

NON-INTERVENTION AS A WARNING SIGNAL TO THE CUBAN GOVERNMENT, AND IN ORDER TO AVOID A PUBLIC IMPRESSION THAT THE MEMBER STATES ARE PLACING A WHITE HAT ON CASTRO OR ABSOLVING THE CUBAN GOVERNMENT OF BLAME FOR THE ACTIONS WHICH ORIGINALLY CAUSED THE OAS TO IMPOSE RIO TREATY SANCTIONS.

-- PROCEDURALLY, FACIO'S IDEA THAT THE PERMANENT COUNCIL BE CONVOKED ON THE SPOT IN SAN JOSE AT THE LAST MINUTE TO PERFORM ITS NECESSARY FUNCTION OF CONVENING THE ORGAN OF CONSULTATION SEEMS SENSIBLE. IN PART THIS MEETS FACIO'S UNDERSTANDABLE CONCERN ABOUT STIRRING UP CUBAN EXILES, IN PART IT REDUCES ANY PUBLICITY BUILD UP, AND IT PERMITS THE OAS TO AVOID A REPETITION OF QUITO. OUR VIEW, WHICH WE BELIEVE LIEVANO SHARES, IS THAT THERE SHOULD BE NO ORGAN OF CONSULTATION UNLESS THERE IS ASSURANCE THAT A QTE FREEDOM OF ACTION UNQTE FORMULA DOES COMMAND THE AGREEMENT OF AT LEAST TWO-THIRDS OF THE MEMBER STATES.

-- IN CONNECTION WITH THIS LAST POINT, AS LIEVANO KNOWS, WE HAVE NO INTENTION OF TAKING ANY LEAD IN THE MATTER AND THEREFORE CANNOT BE SURE OF THE VOTE COUNT, WHICH IN THE FINAL ANALYSIS WOULD DEPEND ON HOW WELL A QTE FREEDOM OF ACTION UNQTE RESOLUTION WOULD BE DRAFTED.

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2. YOU SHOULD TELL LIEVANO THAT WE WOULD BE INTERESTED IN ANY THOUGHTS YOU MIGHT CARRY WITH YOU TO WASHINGTON AND THAT HE MIGHT WISH TO KEEP IN TOUCH WITH FACIO, PARTICULARLY ON THE SCORE OF DRAFTING A GENERALLY ACCEPTABLE RESOLUTION. WHILE RABASA HAS AGREED TO A FREEDOM OF ACTION FORMULA, IT IS LIKELY THAT A RESOLUTION IN WHICH LIEVANO HAS TAKEN A HAND WILL HAVE MORE CHANCE OF GENERAL ACCEPTABILITY THAN ONE THAT MIGHT APPEAR TO BE PRIMARILY THE CREATION OF THE MEXICAN FOREIGN OFFICE. YOU SHOULD ADD THAT UPON YOUR RETURN YOU WOULD HOPE TO HAVE A FURTHER PRIVATE DISCUSSION WITH HIM.

FOR CARACAS: RE ESCOVAR'S QUERY YOU MAY DRAW ON FOREGOING. SISCO

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